

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: August 18, 2004  
Bulk Item: Yes X No       

Division: Growth Management  
Department: Planning

**AGENDA ITEM WORDING:** Approval for one Restrictive Covenant from Rudolph and Roseanne Krause., Trustees, for floor area intensity reduction on a property described as a parcel of land in the NW ¼ of , Section 31, Township 66S, Range 29 East, on Ramrod Key and further described in metes and bounds on attached warranty deed and having the Parcel Identification Number of 00114150.000300.

**ITEM BACKGROUND:** On April 28, 2004, the Planning Commission conducted a public hearing to review, discuss, and make formal motions regarding amended Year 12 annual allocation and the Non-Residential Floor Area Ranking Report; and P25-04 approved a floor area allocation of 2,500 square feet for Permit 03101577 for Rudy Krause.

**PREVIOUS RELEVANT BOARD ACTION:** On July 18, 2001, the BOCC adopted Ordinance No. 032-2001, the NROGO Ordinance. The Board of County Commissioners approved floor area allocation for NROGO Year 12 at their meeting on November 19, 2003. On March 18, 2004, during a regular public meeting, the Board of County Commissioners, passed and adopted by Resolution an amendment to the Year 12 annual allocation that increased the available floor area to 16,000 square feet all of which is to be made available for applicants in a single allocation in January, 2004.

**CONTRACT/AGREEMENT CHANGES:** N/A.

**STAFF RECOMMENDATION:** Approval.

**TOTAL COST:** X

**BUDGETED:** Yes N/A No       

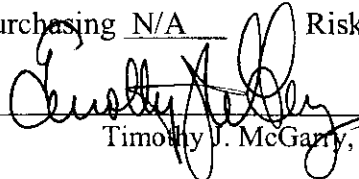
**COST TO COUNTY:** N/A

**SOURCE OF FUNDS:** N/A

**REVENUE PRODUCING:** Yes N/A No        **AMOUNT PER MONTH** N/A **Year**       

**APPROVED BY:** County Atty X OMB/Purchasing N/A Risk Management N/A

**DIVISION DIRECTOR APPROVAL:**


  
Timothy J. McGarry, AICP

**DOCUMENTATION:** Included X To Follow        Not Required       

**DISPOSITION:**       

**AGENDA ITEM #** H17

## M E M O R A N D U M

**TO:** Danny Kolhage, Clerk of the Court  
**FROM:** Timothy J. McGarry, Growth Management Director   
**DATE:** July 29, 2004  
**RE:** Clarification of Agenda Item

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### **Restrictive Covenant**

<b>Permit Number</b>	<b>Name on Agenda Item</b>	<b>Name on Restrictive Covenant</b>	<b>Legal Description</b>
031-1577	Rudolph and Roseanne Krause., Trustees	Rudolph and Roseanne Krause., Trustees	Metes and Bounds

This instrument prepared by:

Whitney Meehan  
26351 State Road 4  
Ramrod Key, FL 33042

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**INTENSITY REDUCTION RESTRICTIVE COVENANT  
NON-RESIDENTIAL**

1. **WHEREAS** Rudolph Krause, Trustee U/D/T dated July 19, 1988 and Roseann Krause, Trustee U/D/T dated July 19, 1988 the undersigned are the owners of the following described real property located in Monroe County, Florida, described as follows:

**Lot(s):** Metes and Bounds (see attached) **Block:** N/A

**Subdivision:** N/A

**Key:** Ramrod

**PB:**

**Real Estate Number(s):** 00114150.000300; and

**WHEREAS**, an application for building permit # 03101577 for the construction of a commercial building on the above described parcel has been submitted to the Monroe County Building Department; and

**WHEREAS**, Suburban Commercial (SC) Land Use District allows the construction of office space/storage; and

**NOW, THEREFORE**, the undersigned agree as follows:

- The above described non-residential structure is permitted as a commercial building, and upon completion of the structure and final approved inspections will receive a Certificate of Occupancy for a commercial office building; and

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- The floor area ratio of the property will be limited to a maximum of twenty-three percent (23%) for a period of ten (10) years; and
- That the proposed structure has a Floor Area Ratio of 6.82 percent. The proposed structure is 2,500 square feet on a 36,700 size parcel; and
- The restrictions herein shall be binding upon the representatives, heirs, assigns and successors in title of the undersigned; it being the intention of the undersigned by execution and recording of this document that his restriction shall run with the land and shall be forever binding upon the successors in title; and
- This covenant is intended to benefit and run in favor of the County of Monroe; and In the event of any breach or violation of the covenant contained herein, the said County may enforce the covenant by injunction or such other legal method, as the County deems appropriate.

EXECUTED ON THIS 3rd day of August, 2004.

WITNESSES

Cheryl Rackley  
(Signature)

Cheryl Rackley  
(Print/Type Name)

Whitney Meehan  
(Signature)

Whitney Meehan  
(Print/Type Name)

OWNER OR OWNERS

Rudolph O. Krause  
(Signature)

Rudolph O. Krause  
(Print/Type Name)

Roseann Krause  
(Signature)

Roseann Krause  
(Print/Type Name)

Sworn before me this 3rd day of August, 2004.

Whitney Meehan  
Notary Public (Print Name)



Parcel I.D. No.: 00114150000300316629

MONROE COUNTY  
OFFICIAL RECORDS

This Instrument Prepared by and Return to:

Roseann Krause  
26351 Old State Road 4A  
Summerland Key, FL 33042-5337FILE # 1124555  
BK# 1576 PG# 2267RCD May 18 1999 11:47AM  
DANNY L KOLHAGE, CLERKDEED DOC STAMPS 0.70  
05/18/1999 PP DEP CLK

(Space Above This Line for Recording Date)

## WARRANTY DEED

This Indenture made this 7<sup>th</sup> day of May, 1999 BETWEEN RUDOLPH O. KRAUSE, Trustee U/D/T dated July 19, 1988, and ROSEANN KRAUSE, Trustee U/D/T dated July 19, 1988, of the County of Monroe, State of Florida, grantor, and RUDOLPH O. KRAUSE, Trustee U/D/T dated July 19, 1988, and ROSEANN KRAUSE, Trustee U/D/T dated July 19, 1988, of the County of Monroe, State of Florida, whose post office address is 26351 Old State Rd. 4A, Summerland Key, FL 33042-5337 of the County of Monroe, State of Florida, grantees.

**WITNESSETH**, That said Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the grantee and grantee's heirs and assigns forever the following described land situate, lying and being in County, Florida, to-wit:

## Lot Two:

A parcel of land in the Northwest 1/4 of Section 31, Township 66 South, Range 29 East, Ramrod Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows: COMMENCE at the intersection of the Southerly line of Old State Road No. 4 and the West line of Mako Avenue and run S 77 degrees 23' W along the Southerly line of Old State Road 4-A, 266.41 feet to the POINT OF BEGINNING; Thence CONTINUE S 77 degrees 23' W, 250.00 feet; Thence S 12 degrees 37' E, 146.80 feet to the Northerly line of U.S. Highway No. 1; Thence along Highway No. 1, N 77 degrees 23' E, 250.00 feet; Thence N 12 degrees 37' W, 146.80 feet back to the POINT OF BEGINNING. Contains 36,700 square feet.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the grantors hereby covenant with said grantees that the grantors are lawfully seized of said land in fee simple; that the grantors have good right and lawful authority to sell and convey said land, and hereby warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1998.

IN WITNESS WHEREOF, the said grantors have signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Cheryl Guest  
Signature

Cheryl Guest  
Printed Signature

Kimberly Trice  
Signature

Kimberly Trice  
Printed Signature

Rudolph O. Krause L.S.  
RUDOLPH O. KRAUSE, Trustee

26351 Old State Rd. 4A, Summerland Key, FL 33042-5337

Roseann Krause L.S.  
ROSEANN KRAUSE, Trustee

26351 Old State Rd. 4A, Summerland Key, FL 33042-5337

MONROE COUNTY  
OFFICIAL RECORDSSTATE OF FLORIDA  
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 7 day of May, 1999, by RUDOLPH O. KRAUSE and ROSEANN KRAUSE, who is (or are) personally known to me or who has produced \_\_\_\_\_ as identification.

WITNESS my hand and official seal in the County and State last aforesaid.

My Commission Expires: 2/17/01

Cheryl Guest  
Notary Public  
Cheryl Guest  
Print, Type or Stamp Commissioned Name of Notary Public

Personally known ☒ or produced identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

